



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 23, 2023

BY ECF

Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *United States v. Samuel Bankman-Fried*, S3 22 Cr. 673 (LAK)

Dear Judge Kaplan:

The Government writes regarding the S3 Superseding Indictment, the scheduling of an arraignment, and the exclusion of time under the Speedy Trial Act.

On February 22, 2023, a grand jury returned a twelve-count Superseding Indictment (the “S3 Indictment”), which was unsealed this morning. (Dkt. No. 80.) The S3 Indictment adds four new counts and provides additional narrative detail about the defendant’s criminal conduct in paragraphs 1 through 57. While these paragraphs contain information that provides the defendant with notice of the nature of the charges against him, they do not describe all of the evidence against the defendant, nor do they represent the full extent of the proof that will be offered at trial.

The charges in the S3 Indictment are as follows:

- Count One: Conspiracy to commit wire fraud on customers of FTX, in violation of 18 U.S.C. § 1349.
- Count Two: Wire fraud on customer of FTX, in violation of 18 U.S.C. §§ 1343 and 2.
- Count Three: Conspiracy to commit fraud on customers of FTX in connection with the purchase and sale of derivatives, in violation of 18 U.S.C. § 371, 7 U.S.C. §§ 9(1) and 13(a)(5), and 17 C.F.R. § 180.1 (previously Count Five in the original Indictment).
- Count Four: Fraud on customers of FTX in connection with the purchase and sale of derivatives, in violation of 7 U.S.C. §§ 9(1) and 13(a)(5), 17 C.F.R. § 180.1, and 18 U.S.C. § 2 (a new charge).

- Count Five: Conspiracy to commit securities fraud on investors in FTX, in violation of 18 U.S.C. § 371, 15 U.S.C. §§ 78j(b) and 78ff, and 17 C.F.R. § 240.10b-5 (previously Count Six in the original Indictment).
- Count Six: Securities fraud on investors in FTX, in violation of 15 U.S.C. §§ 78j(b) and 78ff, 17 C.F.R. § 240.10b-5, and 18 U.S.C. § 2 (a new charge).
- Count Seven: Conspiracy to commit wire fraud on lenders to Alameda Research, in violation of 18 U.S.C. § 1349 (previously Count Three in the original Indictment).
- Count Eight: Wire fraud on lenders to Alameda Research, in violation of 18 U.S.C. §§ 1343 and 2 (previously Count Four in the original Indictment).
- Count Nine: Conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349 (a new charge).
- Count Ten: Conspiracy to operate an unlicensed money transmitting business, in violation of 18 U.S.C. §§ 371 and 1960 (a new charge).
- Count Eleven: Conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (previously Count Seven in the original Indictment).
- Count Twelve: Conspiracy to make unlawful political contributions and defraud the Federal Election Commission, in violation of 18 U.S.C. § 371 and 52 U.S.C. §§ 30118, 30122, and 30109(d)(1)(A) & (D) (previously Count Eight in the original Indictment).

The Government is continuing to produce discovery on a rolling basis as the Government gains access to records obtained pursuant to search warrants, and as materials are produced by third parties. The S3 Indictment will not necessitate the production of any new categories of discovery that were not already being produced to the defendant, and therefore will not necessitate an adjournment of any existing deadlines or the trial date.

The Government respectfully suggests that the Court arraign the defendant on the S3 Indictment at the next court appearance that arises, or at the scheduled oral argument on May 18, 2023, whichever comes first. The Government requests that the Court exclude time under the Speedy Trial Act to October 2, 2023, the first day of trial, for the reasons the Court stated on the record during the January 3, 2023 arraignment. (Jan. 3, 2023 Tr. at 11.)

Respectfully submitted,

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